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Attorneys for Defendants
BAIDU, INC., YANHONG LI,
and CHENG-CHUN YU

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ROGER A. IKEDA, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BAIDU, INC., YANHONG LI, and
CHENG-CHUN YU,

Defendants.

CASE NO.: 5:20-cv-02768-LHK

Judge: Hon. Lucy H. Koh
Complaint Filed: April 21, 2020

**JOINT STIPULATION AND
[PROPOSED] ORDER:
(1) EXTENDING DEADLINE FOR
INDIVIDUAL DEFENDANTS TO
RESPOND TO THE COMPLAINT;
AND (2) CONTINUING THE CASE
MANAGEMENT CONFERENCE**

1 Lead Plaintiff Robert J. Allustiarti ("Lead Plaintiff") and Defendants Baidu, Inc. ("Baidu"),
2 Yanhong Li, and Cheng-Chun Yu ("Individual Defendants," and together with Baidu "Defendants")
3 hereby stipulate and agree as follows:

4 WHEREAS, on April 21, 2020, Roger A. Ikeda filed the complaint in the above-captioned
5 action ("Action"), a putative class action arising under the Securities Exchange Act of 1934
6 ("Exchange Act"), including the Private Securities Litigation Reform Act of 1995 (the "PSLRA"),
7 15 U.S.C. § 78u-4, against Defendants;

8 WHEREAS, on July 17, 2020, the Court continued the Case Management Conference
9 previously scheduled for July 22, 2020 to October 14, 2020 at 2:00 p.m., and ordered the parties to
10 file a joint case management statement by October 7, 2020;

11 WHEREAS, on July 20, 2020, the Court appointed Robert J. Allustiarti as Lead Plaintiff, and
12 Kahn Swick & Foti LLC as Lead Plaintiff's Counsel;

13 WHEREAS, on September 18, 2020, Lead Plaintiff filed an Amended Class Action
14 Complaint;

15 WHEREAS, on September 28, 2020, pursuant to a stipulation of the parties, the Court
16 continued the Case Management Conference previously scheduled for October 14, 2020 to March 3,
17 2021 at 2:00 p.m., and ordered the parties to file a joint case management statement on or before
18 February 24, 2021;

19 WHEREAS, on November 2, 2020, Baidu filed a motion to dismiss the Amended Class
20 Action Complaint, which Lead Plaintiff has opposed (see ECF 50–54);

21 WHEREAS, the parties' stipulation seeking a continuance of the October 14, 2020 Case
22 Management Conference provided that, if at the time the parties are due to meet and confer pursuant
23 to Federal Rule of Civil Procedure 26(f), the Court has not resolved Baidu's motion to dismiss, the
24 parties would promptly submit a stipulation requesting a further continuance of the Case
25 Management Conference;

26 WHEREAS, the motion to dismiss is scheduled to be heard on March 4, 2021 at 1:30 p.m.,
27 one day after the March 3, 2021 Case Management Conference, and therefore will not be resolved
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1 by the time the parties are due to meet and confer pursuant to Federal Rule of Civil Procedure 26(f);

2 WHEREAS, pursuant to the PSLRA, "all discovery and other proceedings shall be stayed
3 during the pendency of any motion to dismiss," 15 U.S.C. § 78u-4(b)(3)(B);

4 WHEREAS, because discovery is stayed while this Action is at the pleading stage, it would
5 be premature for the parties to confer on the topics required by Federal Rule of Civil Procedure 26(f)
6 before the Court has decided the pending motion to dismiss;

7 WHEREAS, the parties agree that it would conserve party and judicial resources to continue
8 the Case Management Conference to a date after the Court's ruling on Baidu's motion to dismiss the
9 Amended Class Action Complaint, and any other motion to dismiss that may be subsequently filed;

10 WHEREAS, the parties agree that the requested time modification in this stipulation should
11 have no adverse effect on the schedule for the case. Discovery in this Action is stayed under the
12 PSLRA pending resolution of any motion to dismiss. Thus, continuing the Case Management
13 Conference will have no adverse effect on the schedule;

14 WHEREAS, at the time Baidu filed its motion to dismiss, the Individual Defendants had not
15 been served with the summons or the Amended Class Action Complaint, and the Individual
16 Defendants have not appeared in this Action;

17 WHEREAS, for purposes of this action only, and without prejudice to their rights under the
18 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or
19 Commercial Matters for any other action, the Individual Defendants have, pursuant to Federal Rule
20 of Civil Procedure 4(d), agreed to waive service of the summons and the Amended Class Action
21 Complaint;

22 WHEREAS, the parties have conferred and agree that it would be an inefficient use of this
23 Court's time and the parties' resources for the Individual Defendants to respond to the Amended Class
24 Action Complaint while Baidu's motion to dismiss remains pending, as the arguments in Baidu's
25 motion to dismiss also apply to the claims against the Individual Defendants;

26 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil
27 Local Rules 6-1(b), 6-2 and 7-12, by and between the undersigned counsel for the undersigned
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parties, subject to Court approval, as follows:

1. The Case Management Conference currently scheduled for March 3, 2020 at 2:00 p.m. shall be continued and rescheduled for May 19, 2021 at 2:00 p.m. The parties shall file their joint case management statement on or before May 12, 2021.

2. If, at the time the parties are due to meet and confer pursuant to Federal Rule of Civil Procedure 26(f), the Court has not resolved Baidu's motion to dismiss, or has directed Lead Plaintiff to file a second amended complaint, the parties shall promptly submit a stipulation requesting a further continuance of the Case Management Conference.

3. The Individual Defendants shall have no obligation to answer, move, or otherwise respond to the Amended Class Action Complaint before Baidu's pending motion to dismiss is resolved by the Court.

4. Nothing herein shall be deemed to constitute a waiver of any rights, defenses, objections or any other application to any court that any party may have with respect to the claims set forth in the complaint filed in this Action.

DATED: January 8, 2021

Respectfully submitted,

KAHN SWICK & FOTI LLC

By: /s/ Alayne Gobeille
 ALAYNE GOBEILLE
 Attorneys for Lead Plaintiff
 ROBERT J. ALLUSTIARTI

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Virginia F. Milstead
 VIRGINIA F. MILSTEAD
 Attorneys for Defendants
 BAIDU, INC., YANHONG LI,
 and CHENG-CHUN YU

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SIGNATURE ATTESTATION

I, Virginia F. Milstead, am the ECF User whose ID and password are being used to file this
JOINT STIPULATION AND [PROPOSED] ORDER: (1) EXTENDING DEADLINE FOR
INDIVIDUAL DEFENDANTS TO RESPOND TO THE COMPLAINT; AND (2) CONTINUING
THE CASE MANAGEMENT CONFERENCE. In compliance with Civil Local Rule 5-1(i), I hereby
attest that concurrence in the filing of this document has been obtained from the signatory.

By: /s/ Virginia F. Milstead
Virginia F. Milstead

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT COURT